

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON ELLIS SMITH,

Defendant.

No. 2:98-cr-0009-KJM

ORDER

On September 23, 2015, the Ninth Circuit issued an order remanding this case “for the limited purpose of permitting the district court to provide appellant notice and an opportunity to request that the time for filing the notice of appeal be extended, for a period not to exceed 30 days from the expiration of the time prescribed by Rule 4(b), upon a finding of excusable neglect or good cause.” No. 11-16571, Dkt. No. 2 (citing Fed. R. App. P. 4(b)(4); *United States v. Ono*, 72 F.3d 101, 103 (9th Cir. 1995) (order); and *United States v. Stolarz*, 547 F.2d 108 (9th Cir. 1976)). Federal Rule of Appellate Procedure 4(b)(4) provides as follows:


Upon a finding of excusable neglect or good cause, the district court may--before or after the time has expired, with or without motion and notice--extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

1 Defendant Jason Ellis Smith is therefore permitted, within thirty days of service of this order, to
2 file a request to extend the time he may file of a notice of appeal for good cause or excusable
3 neglect. *See Stolarz*, 547 F.2d at 112 (“It is therefore appropriate to order a remand to the district
4 court to allow appellant 30 days in which to request, upon a showing of excusable neglect, an
5 extension of time to file a notice of appeal.”).

6 The Clerk’s Office is directed to serve this order on defendant at the following
7 address: Reg. No. 09296-097, Federal Correctional Institution, P.O. Box 6000, Florence,
8 Colorado 81226.

9 IT IS SO ORDERED.

10 DATED: September 24, 2015.

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14 UNITED STATES DISTRICT JUDGE
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